

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

O R D E R

On March 10, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections within the time limit prescribed by Section 636.

The Court has reviewed plaintiff's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that plaintiff's "criminal complaint," having been construed as a civil rights action, is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for being frivolous or malicious or for failing to state a claim upon which relief be granted.

IT IS FURTHER ORDERED that for the same reasons given for dismissal, the Court finds that any appeal would not be in good faith and permission to proceed on appeal in forma pauperis is denied pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24.

/s/ N. Carlton Tilley, Jr.
United States District Judge

June 3, 2005